



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,503	10/18/1999	CAMERON STUART BIRSE	004860.P2434	2896

7590 10/22/2002

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/420,503

Applicant(s)

BIRSE ET AL.

Examiner

Thong H Vu

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. This office action is in response to Amendment filed 07/22/02. Claims 1-3 and new claims 4-15 are pending. The rejection is cited as stated below.

Response to Arguments

2. Applicant's arguments filed 7/22/02 have been fully considered but they are not persuasive to overcome the prior art.

Applicant argues the prior art did not teach or suggest replacing system volumes on a server with different system volumes or a client causing other client to receive operating system software different that currently effect.

Examiner notes Chase-Salerno taught a system administrator using a client station (i.e.: control workstation) administering (or causing) a plurality of nodes and distributing alternate operating system software (i.e.: images). Case-Salerno also taught the designating of alternate volumes groups (i.e.: different volumes). It is clearly that the designating of alternate volumes groups contain a plurality of software volumes and changing or installation the operating system images on one node (or server) or more nodes causing the mirroring or alternate volume groups (clients) in parallel (i.e: all at once) or in sequence (i.e.: one by one) as a design choice.

The rejection based McCall-Day and Jollands are vacated.

3. Claims 1-15 are rejected under 35 U.S.C. § 103 as being obvious over Chase-Salerno et al [Chase-Salerno 6,253,209 B1] and what was well-known in the art

4. As per claims 1-3,11-15 Chase-Salerno discloses the invention substantially as claimed, including a method comprising a network computer (NC) client causing a

Art Unit: 2152

plurality of NC clients are booted to receive operating system software that is configured differently than that currently in effect by replacing one or more system volumes on the NC server containing the operating system software with one or more different system volumes.

which is equivalent to a AIX workstation (or server) using multiple different copies of operating system to boot a node (or client), the copies are actually different version of operating system [col 3 lines 5-45, col 4 lines 40-67]. Chase-Salerno also discloses the system provide a number of copies requested by user [Fig 4 col 9 lines 40-56] and initiate mirroring of operating system image (or copy) at the node [col 9 lines 56-col 10 line 5], and the user modify existing volume [Fig 7 col 10 line 59-col 11 line 8]; an apparatus with network server such as control workstation connects to LAN (i.e.: a plurality of clients) and one or more system volumes (i.e.: alternate volumes groups).

An Official Notice is taken that the method of automatically install the appropriate edition software onto client computer is well-known in the art [see Davis et al, Engquist , Chuang et al references].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the server contains a plurality of software volumes as well known in the art into the Chase-Salerno's apparatus in order to utilize the changing/updating operating software on the first node (or server) causing the mirroring or alternate volume groups (clients) in parallel (i.e: all at once) or in sequence (i.e.: one by one). Doing so would provide a dynamic and efficient process to changing/updating/replacing software on network.

Art Unit: 2152

5. As per claims 4,7,9 Chase-Salerno discloses the NC client (i.e.: administrator on control station) causing those of the plurality of NC clients that subsequently open an application to utilize an altered version of the application by the replacing one or more system volumes, wherein the one or more system volumes further comprises application software as inherent of network software.

6. As per claim 5, Chase-Salerno discloses wherein at least one NC client is not rebooted for a period of time after replacing as a design choice.

7. As per claims 6,8,10 Chase-Salerno discloses the operating software as Macintosh, Windows95, Windows98, Windows NT, Windows 2000, Windows CE, AIX, UNIX and Linux as inherent feature of operating software.

Thus, as explained above, the system and method of claims 1-15 is obvious in view of the prior art.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

Art Unit: 2152

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239


Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu

Patent Examiner

Art Unit 2142



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100